

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

COMPLAINT

(for filers who are prisoners without lawyers) 2019 MAR 21 P 2:47

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEPHEN C. DRIES
CLERK

(Full name of plaintiff(s))

James Edward Curtis

v.

Case Number:

19-C-0417

(to be supplied by Clerk of Court)

(Full name of defendant(s))

Wisconsin Department of Corrections

Jennifer Arndt, (CFS)

Lisa Schwartz, Agent

Lisa Jeschke, Regional #2 PPA

A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at
(State)

Inpatient
Genesis Behavior Services, Inc Options program 6755 14th Ave, Kenosha WI 53143
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Wisconsin Department of Corrections
(Name)

is (if a person or private corporation) a citizen of Wisconsin

Full name of defendant (s)

Genesis Behavior Services, INC Options

Cindy Resident Assistant

Lori H. Counselor / AS SAC.

Donnie Resident Assistant

2.a. Defendant Jennifer Arndt, (CFS)

is a citizen of Wisconsin

and work for the Wisconsin Department of Corrections as a Probation/Parole (CFS)

Supervisor at 1212 60th Street, Kenosha, Wisconsin 53140

Defendant Lisa Schwartz

is a citizen of Wisconsin

and work for the Wisconsin Department of Corrections as a Probation/Parole Agent at 1212

60th Street, Kenosha, Wisconsin 53140

Defendant Lisa Jeschke Regional #3 PPA

is a citizen of Wisconsin

and work for Wisconsin Department of Corrections as Regional PPA and can be served at

3099 East Washington, P.O. Box 7925, Madison, Wisconsin 53707 - 7925

Defendant Genesis Behavior Services, INC Options

is an agency of Wisconsin

and is an agency jointed/contracted by the Wisconsin Department of Corrections to Services offenders on Probation/Parole referred by the Division of Community Corrections

Genesis options is located at 6755 14th Avenue, Kenosha, Wisconsin 53143 and can also be served at 6737 West Washington Street, Suite 2210, West Allis, Wisconsin 53214

262-674-0118

Defendant Cindy

is a Citizen of Wisconsin

and work for Genesis Behavior Services, Inc Options as a Resident Assistant at 6755 14th Avenue, Kenosha, Wisconsin 53143

Defendant Lori H

is a citizen of Wisconsin

and work for Genesis Behavior Services, Inc Options as a Counselor / AS SAC. at 6755 14th Avenue, Kenosha, Wisconsin 53143

Defendant Donnie

is a citizen of Wisconsin

and work for Genesis Behavior Services, Inc Options as a Resident Assistant at 6755 14th Avenue, Kenosha, WI 53143

"Each Defendant is being sued in their individual and official capacity"

(State, if known)

and (if a person) resides at _____

(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for State of Wisconsin, and is responsible for the Department of Corrections officials,
and is located at 3099 E. Washington Avenue, Madison, WI 53707, 7925

(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

On December 5th 2018, Defendant Lisa Schwartz and Jennifer Arndt
Signed off on a ATR Document to place the Plaintiff in an inpatient
facility at Genesis Options which was in retaliation for Plaintiff's numerous
complaints of misconduct that violated Plaintiff's Constitutional rights that
went unheard. Plaintiff do not raise a claim of retaliation, but the
unsanitary conditions, deliberate indifferent to a serious medical need,
denial of medication and violation of a Wisconsin statute that guarantees
him rights to activities, and the defendants deliberately denied Plaintiff
his rights regardless of what the legislature intend in that statute.

On December 19th 2018, the Defendant Schwartz had Plaintiff transferred
to the Genesis Options facility from the Kenosha County Jail although

Plaintiff sent defendant Schwartz and Arndt a notice to withdraw from the ATA and a affidavit. The defendants Schwartz and Arndt ignored those document sent on December 7th 2018 just like the Complaints. Upon arriving at the Genesis options program at 6755 14th Avenue Kenosha, WI 53143, an agency Jointed and Contracted by the Wisconsin Department of Corrections, Where both the defendants Genesis Options Behavior Services, inc, the Wisconsin Department of Corrections and it's officials are responsible for the health and well-being of those in their Custody and Care. The Wisconsin Department of Corrections, it's Officials and Genesis Behavior services options, inc restricted and limited the Plaintiff's movement Where Plaintiff was restrained from leaving the living unit unless there is an emergency medical Condition, and if the Plaintiff left on his own, he will be issued a Warrant and go to Jail. Plaintiff was denied to get his own Medication prescribed by a doctor although that is a medical emergency Condition. On December 19th 2018, Plaintiff was housed in North area in room 9, the bath room had mold, the wood on the door was broke off leaving metal sticking out where I cut my hand, rust was on the wall and pipes, water leaking from the day room ceiling that was brown and pieces from the ceiling may fall, Mold is around the sink and bathtub, and in the basement laundry room where water is leaking from a tank, and there is rust and lead around

the living area, an infectious unsanitary T.V. area with 19 other clients in the same living area where some do not bath and subject others to their filthy conditions and stinky odors, where viruses and infection accumulate. There is metal sticking up in the South area day room from the floor, a broken bathroom door that's tied together with a rope that can fall on someone and other hazardous conditions. I wrote letters to the Wisconsin Department of Corrections Lance Wiersma, Administrator, to Lisa Yeates, to Governor Tony Evers, and filed grievances to Lisa Schwartz, Debra Schiess, and the Client's Rights Office of DHS. On December 22nd 2018, I had my fiancée Tonya Tenner to bring my prescribed eye glasses to me here at the facility and defendant Cindy a residential assistant refused to allow me to have them, stating that "defendant Lisa Schwartz" my agent has to approve for me to have the glasses. Plaintiff then informed defendant Cindy that he needed his glasses and that he take medical eye drops to keep the pressure low in his eyes. Defendant Cindy stated no, you have to get it approved. On December 23rd 2018, a virus was transmitted to plaintiff from the filthy individuals housed at Genesis options facility. Plaintiff had to be taken by ambulance to the Froedtert South hospital in Kenosha, Wisconsin at 6308 8th Avenue and was diagnosed with influenza like symptoms and prescribed Tessalon Perles 100 mg. and Tamiflu 75mg on 12-23-18 to take immediately after being discharged at 10:35 pm. On 12-23-18, Plaintiff was instructed to come straight back to the options Genesis facility and go no where else. Plaintiff returned to the Genesis options facility and request to be taken to get his medication or in the alternative staff pick it up. Plaintiff was refused until December 27th 2018 and endure pain and suffering. The medication by Dr. Falco William was listed as Specialty emergency medicine. I was told by Delnita Thomas, one of the staff at Genesis options that Lisa Schwartz, Lisa Jeschke Regional #2 PPA and Wisconsin Department of Corrections stated Clients cannot leave the facility unless it's an emergency medical condition that I have to find a way to get my medication, they are not responsible for getting Client's medication. The facility, Wisconsin Department of Corrections and it's officials interferred, and denied me my medication and was deliberate indifferent to my serious medical need. On December 28th 2018, Plaintiff had to go to Familia Dental for an emergency because his tooth in the back had broke causing excruciating Pain. Plaintiff returned back and requested to

get his medication prescribed 800 mg Ibuprofen because Plaintiff was still in pain. The Dentist prescribed the 800 mg Ibuprofen to reduce the inflammation and pain plaintiff was in. Plaintiff was denied and refused, stating Lisa Jeschke and the Wisconsin Department of Corrections stated Clients can't leave to get their medication. However, a Wisconsin Statute 51.61 (1) and Wisconsin Admin. Code Ch DHS 94 Client Rights Inpatient or Residential Posted in the unit states: "You have a right to participate in religious, social, recreational and community activities away from the living unit to the 'extent possible'." Every inpatient has a right to have the least restrictive environment, except for forensic patients, Have regular and frequent exercise opportunities, Have regular and frequent access to the outdoors. In the other Genesis Behavior Services, inc programs, Clients are allowed to go out on 6-8 hours passes and attend activities away from their unit. This deny me equal protection of the law in similar situations. Plaintiff had to contact his fiancée to get his medication which he received 4 days later on December 31st 2018 and endure excruciating pain. On January 4th 2019, I was scheduled to see the Dentist at Familia Dental at 11am, however, I was told I could not go and had to reschedule to January 23rd 2019 at 11am. On January 4th 2019, I also told defendant Lori H. That I need to see an eye doctor to get my eye drops refilled and prescribed, that I'm out of eye drops that I came with. Defendant Lori stated it's Friday and no one goes anywhere on Friday. I informed Defendant Lori H. that I've been denied my glasses and now I'm being denied medical treatment for my eyes, the drops are to keep the pressure in my eyes low and if it gets high, it can damage the nerves. Defendant Lori H. stated we were told by the agents that Wisconsin Department of Corrections said if it's not an emergency you can't go anywhere. Plaintiff continue to complain about his eyedrops and that there was pain in his eyes and he is having minor headaches. Plaintiff was again told he could not go see the eye doctor. On January 23rd 2019, Plaintiff was scheduled to go to the dentist for his scheduled appointment. Plaintiff informed defendant Cindy that he would be going by Keno's Cab. However, Cindy refused to allow Plaintiff to go. Defendant Cindy then called Plaintiff's Counselor Delnita Thomas and intentionally lied to Delnita Thomas stating I said I would take the bus and I was denied to go to the dentist and had to reschedule to February 14th 2019. Plaintiff then filed a grievance to Debra Schiess about him being denied medical treatment,

and is a Candidate glaucoma, is subjected to unsanitary and unsafe conditions, is denied the opportunity to participate in activities like other Genesis Behavior program clients etc. On January 31st 2019, Defendant Lisa Schwartz, another individual from the Probation office at 1212 60th Street, Kenosha WI, and Delnita Thomas talked with me about some of the grievance issues although there was no written response. Defendant Schwartz continuously repeated that Plaintiff could be taken to jail if he don't want to be at Genesis options. Plaintiff told the individuals that he have medical conditions that needed to be attend to, that he was told by defendant Schwartz that he would be able to work and go out on passes, that he is denied opportunity to attend Islamic religious services the conditions are unsanitary and he is not getting a religious diet. Defendant Schwartz and the other agent repeatedly stated you can go back to the jail if you don't like where you are, That Defendants Lisa Jeschke Regional #2 PPA and DOC said you can't go anywhere unless it's a medical emergency; talk to Delnita about going to get medical treatment. All of the issues were not resolved or address, and the resolutions was threats of going to jail. I continue to complain about my eyes being in pain but I was ignored. On the morning of February 3rd, 2019, My eyes were in excruciating pain, I had headaches and blurred vision in my left eye where I could not see. I informed defendant Cindy who stated she will call Delnita Thomas. The conditions became worse and defendant Cindy stated Delnita Thomas said I would have to go to the emergency room by ambulance if I need to see a doctor at the hospital, Plaintiff stated to please call an ambulance because he could not see and he is in excruciating pain. At approximately 10:15 am, Plaintiff was taken by ambulance to Froedtert South hospital. While at the hospital, the nurse noticed Plaintiff blood pressure was very high, and then measured the pressure in Plaintiff's eyes and also noticed that the eye pressure was extremely high and may have result in damages to the nerves. Plaintiff eye pressure has never been this high above 70. The Defendants denied Plaintiff medical treatment. Dr. Trans had the nurse to administer 3 different eye drops in my eyes 5 minutes apart for 10 minutes, then again, re-administer the same cycle and wait 30 minutes and gave Plaintiff medication to take by mouth and waited one hour and the eye pressure still did not come down. Doctor Trans suspected Angle-Closure Glaucoma may have developed in the left eye. I had I.V. tubes inserted into my arm and Dr. Trans prescribed the eye drops again

to be administered and also 3 I.V. bags of medication and pain medication for Plaintiff's headaches and eye pain. Prior to these occurrences, Plaintiff brought eye drops with him to Genesis Behavior Services option and his medical records from Kenosha County Jail. The eye medication was prescribed 12-3-18 and brought with me. Plaintiff informed Defendant Cindy, Lori H. that he needed his eye drops and also filed a grievance in January 2019 concerning denial of medical treatment and going to see a eye doctor. Delnita Thomas and Lori H. stated Plaintiff had to have an emergency medical condition before he can go to see a eye doctor or go to the hospital which was allegedly orders of Agent Defendants Schwartz, Lisa Jeschke regional 2nd PPA and the Wisconsin Department of Corrections. After about 10 hours of treatment to plaintiff's eyes, the Pressure to the eyes went down, Plaintiff's fiancée brought his glasses to the hospital and Plaintiff was discharged with instructions to use the three different eye drops and call Dr Trans office the next day immediately at 8:00 am in the morning to be seen. Plaintiff contacted Dr. Trans and she requested that he immediately come to her office for further follow examination. Upon arriving at Dr. Trans' office, Plaintiff was examined in both of his eyes, Dr Trans noticed fluid on the back of Plaintiff's eyes, damaged nerves and performed laser surgery on Plaintiff's left eye, Prescribed more medication and schedule for 1 week follow up. On February 7th 2019, Plaintiff had to go to the Kenosha Community Health Center at 4536 22nd Avenue to see a eye doctor to have his medications re prescribed and refilled; Plaintiff was re prescribed three different eye drops to continue taking and referred to call Dr. Trans office for schedule; Plaintiff then returned back to Genesis options where he informed Defendants Lori H and also Delnita Thomas that he need to have his eye prescription refilled; Plaintiff was told that the Department of Corrections, your agent Defendant Lisa Schwartz, and Lisa Jeschke stated you can't leave to get any medication and they are not responsible to go get it. As a result of the Customs, policies and practises of the Wisconsin Department of Corrections, it's officials and Genesis options, Plaintiff was denied his medication; also, as a result of Plaintiff being denied to see an eye doctor and get his eye drops in late December 2018 and January 2019, Plaintiff eye pressure rased very high damaging his eye nerves, Causing fluid to build up in the back of his eyes, subjecting Plaintiff to excruciating pain in his eyes, headaches, burr vision where laser surgery had to be

administered. The defendants were deliberate indifferent to Plaintiff's serious medical needs. On February 11th 2019, Plaintiff went to see Dr. Trans who diagnosed Plaintiff with Glaucoma in the left eye where Angle Closure Glaucoma had developed. Plaintiff was instructed to continue use of the eye drops. Plaintiff returned back to Genesis options and again requested to get his eye drops filled. Plaintiff was again refused by Delnita Thomas alleging it's the Wisconsin Department of Corrections, your agent's Lisa Schwartz and Lisa Jeschke's custom and policy that you are not allowed to get your own medication. Walgreens was just one mile away to pick up the medications. On the morning of February 14th 2019, 7 days later, Plaintiff gave his prescriptions for medication eye drops to Defendant Lori H. to have them filled at Walgreens. Approximately 30 minutes later, Lori H. returned without Plaintiff's eye drops; and stated Delnita Thomas stated we are not responsible to get your medications the Wisconsin Department of Corrections, your agent and Lisa Jeschke Regional #2 PPA said you all can't leave, Have your girl friend to go get it. Plaintiff did not get his eye drops. On February 22nd 2019 at approximately 8:33 am, a counselor name Sophia Prater went to Walgreens and picked up two of Plaintiff's eye drops medications, but could not get the other one. Had Plaintiff known there was a problem where he had to notify the doctor, Plaintiff could have did that without a delay of the third eye drop. The defendants interfered with plaintiff getting his medication in a timely manner; being deliberate indifferent to his serious medical need where their refusal to let him see a doctor and get his medication led to surgery to his eye. Furthermore, On February 22nd 2019 at approximately 10:30 am, Familia Dental called the facility for Plaintiff to come in to have his fillings done, defendant Lori denied Plaintiff; Plaintiff was also denied going to his fiance uncle's funeral located at 8226 Sheridan Rd., Kenosha Wisconsin, 5 minutes away from the facility. Accordingly to the Clients rights, which state: You must be treated in the least restricted manner and setting necessary to achieve the purposes of admission to the program; You have the right to participate in religious, social, recreational and community activities away from the living unit to the extent possible. Wis Stat. § 81.61 (1) and Wis Admin Code Ch. DHS 94 (P-23127 01-2018), Plaintiff had a right to participate in that event and go to the Dentist. Defendant Lori stated, No one goes anywhere on Friday. On the morning of February 23rd, 2019, Plaintiff was out of

the eye drop medication Apractonidine which he was prescribed to take with 2 other eye drop medication. Plaintiff did not get his third medication until March 1st 2019, about 20 days after it was prescribed. Plaintiff went from using one eye drop to keep his eye pressure normal to using 3 and having surgery because he was continually denied a right to see a doctor and get his eye medications filled. From December 20th 2018 to March 12th 2019, Defendant Donnic force Plaintiff to walk outside in very cold wheather below 0° degree up to 13° degree after Plaintiff got out of the morning shower. Causing Plaintiff to become sick and also force Plaintiff to inhale cigarettes smoke from 17 others smoking around him in a crowd everyday, subjecting Plaintiff to future health issues. On 3-7-19 it was 10° degrees, on 3-8-19 it was 13° degrees and plaintiff got sick with a cold but could not go to the hospital for medical treatment. There were days like on 3-11-19 it was 27° degree weather and Plaintiff was not forced to go out and it wasn't as cold as the other days. Plaintiff was subjected to unsanitary conditions with insects, bed bugs, spiders, leaking water and mold, inadequate and poorly prepared food by individuals without a licensed dietary or dietitian. I was not given a religious diet, after filing several grievances and appeals, these issues were not resolved or responded to. The Wisconsin Department of Corrections, Genesis Behavior Services, Inc Options, and Lisa Jeschke Regional SPPA established a custom or policy fostering the violations and allowed such customs or policies to continue after learning of it, and act with deliberate indifference to the rights of Plaintiff by failing to intervene and act. The State of Wisconsin Department of Corrections and Genesis Behavior Services Inc. Options is liable for its employees who act as agents, and acted under color of state law in the scope of their duties, both defendants failed to train the defendants and is liable for inadequate training, supervision or hiring where the failure to train, hire or supervise amounted to deliberate indifference to the rights of those with whom the defendants will come into contact with. The State of Wisconsin Department of Corrections and Genesis Behavior Services, Inc Options promulgated rules, regulations, customs and policies that violates the rights of Plaintiff and subject plaintiff to cruel and unusual punishment and deny equal protection of law guaranteed by the 14th amendment to the U.S. Constitution

C. JURISDICTION

☒ I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

☐ I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

Plaintiff be awarded Compensatory, Monetary, Psychological and punitive damages, Mental and emotional distress in the amount of five Hundred Fifty Thousand Dollars (\$550,000.00) court cost and fees that he Plaintiff be Credit 90 days towards his custody sentence for being housed in an inpatient facility under the Department of Corrections where his movement was restrained and limited by agents of the Wisconsin Department of Corrections

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 14 day of March 2019.

Respectfully Submitted,

James Curtis, Edward
Signature of Plaintiff

120139
Plaintiff's Prisoner ID Number

6755 14th Avenue

Kenosha, WI 53143
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE

☒ I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.

☐ I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.